

in the county of Caldwell, and auxiliary thereto, to provide for the appointment of road overseers, to define the powers and jurisdiction of the commissioners court with regard thereto, to utilize the labor of county convicts and defaulting poll taxpayers on the public roads of said county and to provide adequate penalties for the violation of the provisions of this act."

Read first time and referred to Committee on Roads and Bridges.

Senator Whitaker moved to adjourn to 10 a. m. to-morrow.

Senator Imboden substituted 10 a. m. Monday.

Lost.

Senate then adjourned to 10 o'clock to-morrow morning.

## TWENTY-NINTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, Feb. 11, 1893.

Senate met pursuant to adjournment.

Lieutenant-Governor Crane in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

### PRESENT—24.

Agnew,	Imboden,
Atlee,	Jester,
Baldwin,	Lewis,
Boren,	McComb,
Bowser,	McKinney,
Browning,	Pressler,
Cranford,	Simpson,
Crowley,	Smith,
Dean,	Steele,
Dickson,	Swayne,
Greer,	Tips,
Hutchison,	Woods.

### EXCUSED—7.

Douglass,	Shelburne,
Goss,	Whitaker,
Kearby,	Yoakum.
Lawhon,	

Prayer by the chaplain, Dr. Briggs.  
Pending the reading of the journal of yesterday,

On motion of Senator McKinney, the reading of the same was suspended.

### PETITIONS AND MEMORIALS.

By Senator Baldwin, by request:

A petition to create a new county out of the counties of Nolan, Taylor, Runnels and Coke.

Read and referred to Committee on Counties and County Boundaries.

By Senator Dean:

Petition from Buchel county, praying for a sufficient appropriation for the ranger force.

Read and referred to Committee on Military Affairs.

By Senator Dean:

Petition from citizens of Pecos and Brewster counties, praying for the maintenance of the ranger force.

Read and referred to Committee on Military Affairs.

By Senator Dean:

Petition from citizens and officials of El Paso and Presidio counties, praying for additional ranger forces.

Read and referred to Committee on Military Affairs.

### COMMITTEE REPORTS.

COMMITTEE ROOM,  
AUSTIN, TEXAS, Feb. 10, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 134, entitled "An act to provide for determining the rights of non-residents, persons unknown and transient persons to property in Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do* pass with the following amendment, to-wit:

Amend by striking out the word "two" in line 6, section 6, and insert in lieu thereof the word "one."

CRANFORD, Chairman.

COMMITTEE ROOM,  
AUSTIN, TEXAS, Feb. 10, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 68, entitled "An act to amend sections 1681, 1682, 1683 and 1684 of the Revised Statutes, providing for holding elections and notice to be given,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do* pass.

CRANFORD, Chairman.

COMMITTEE ROOM,  
AUSTIN, TEXAS, Feb. 10, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 168, entitled "An act to amend section 35, chapter 15 of the General Laws of Texas, of the acts of 1892, Twenty-second Legislature,"

Have had the same under consideration, and instruct me to report it back

to the Senate with the recommendation that the accompanying committee substitute be adopted in lieu of said Senate bill No. 168, and that said committee substitute *do pass*.

CRANFORD, Chairman.

#### COMMITTEE SUBSTITUTE.

A bill, to be entitled an act to amend section 35, chapter 15, of the General Laws of Texas, of the Acts of the special session of 1892, Twenty-second Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas, That section 35, chapter 15, of the General Laws of Texas of the acts of the special session, 1892, Twenty-second Legislature, be amended to read as follows: "Whenever, in any case pending before the court of civil appeals there should arise an issue of law which said court should deem it advisable to present to the supreme court for adjudication, it shall be the duty of the presiding judge of said court to certify the very question to be decided to the supreme court, and during the pending of the decision by the supreme court the cause in which the issue is raised shall be retained for final adjudication in accordance with the decision of the supreme court upon the issue submitted."

Sec. 2. The crowded condition of the dockets of the courts of civil appeals, and the near approach of the close of the session creates a public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and this act take effect and be in force from and after its passage.

COMMITTEE ROOM,  
AUSTIN, TEXAS, Feb. 10, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 127, entitled "An act to amend article 4470, chapter 2, title 88, of the Revised Statutes,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do pass*.

CRANFORD, Chairman.

COMMITTEE ROOM,  
AUSTIN, TEXAS, Feb. 10, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 41, entitled "An act to provide for the holding of district

courts at a place other than the county seat in certain counties,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do not pass*.

CRANFORD, Chairman.

COMMITTEE ROOM,  
AUSTIN, TEXAS, Feb. 11, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 151, being "An act to amend section 50 of an act entitled an act to organize the courts of civil appeals, to define their jurisdiction and powers, and to prescribe the mode of procedure therein, as enacted by the first called session of the Twenty-second Legislature, in 1892, and to repeal all laws in conflict therewith,"

And find the same correctly engrossed.

PRESSLER, Chairman.

COMMITTEE ROOM,  
AUSTIN, TEXAS, Feb. 11, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on State Affairs, to whom was referred

Senate bill No. 84, entitled "An act to establish an Industrial Home for fallen women and young women in danger of falling, and to make an appropriation therefor,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do pass* with the following amendments:

1. Strike out all of section 2, page 2, after the word "Home" in line 19.
2. Strike out in section 3, page 3, in line 21 the word "and" and all of lines 22 and 23 down to and including the word "same" in line 24.
3. Strike out in section 4, line 1, "Governor" and insert "trustees." In line 7 strike out "fifteen hundred" and insert "not to exceed nine hundred." In line 8 strike out "quarterly" and insert "monthly." In line 16 strike out "ten" and insert "two." In line 23, page 4, strike out the words "the Governor" and insert "said board of trustees." In section 5, line 12, strike out "Governor" and insert "board of trustees." In section 8, page 5, strike out all after trustees in line 3 down to and including "months" in line 5. In section 10, page 6, line 1, strike out "fifty" and insert "fifteen." Also in line 7 strike out "forty-five" and insert "ten."

McKINNEY, Chairman.

## COMMITTEE ROOM.

AUSTIN, TEXAS, Feb. 11, 1893.

Hon. M. M. Crane, President of the Senate  
and Hon. J. H. Cochran, Speaker of the  
House of Representatives:

Your joint committee of the two Houses appointed under House concurrent resolutions of January 18, 1893, to visit the State penitentiaries and to examine carefully and thoroughly into the condition and management of these institutions and to make a report of the same to the Legislature, with such suggestions for the benefit of same as the committee may deem necessary, beg leave to respectfully submit the following report:

The committee met at Rusk, Texas, at 10 o'clock a. m. on January 30, and immediately called an executive session in the office of the assistant superintendent, Captain Douglass. The committee all being present with the clerk, J. P. Pool, organized by the election of Hon. George T. McGehee chairman, and the inspection of the Rusk penitentiary was commenced by first visiting the

## PIPE FOUNDRY,

which is located in a commodious and substantial new brick building constructed especially for the purpose. This is an extensive improvement and appeared in fine working condition, all the necessary machinery being supplied with power by a very fine Corliss engine, constructed at the Huntsville penitentiary. This foundry is now ready to turn out large quantities of water pipe and castings of superior character at short notice, and ranging in size from four inches to two feet in diameter.

The committee witnessed a test of four hundred pounds to the square inch, hydraulic pressure. It appeared to the committee that this branch of industry should be fostered and enlarged if necessary, as by this means the product of pig iron now on hand and that made in the future could be utilized, thereby making this branch of the penitentiary system self-supporting. The Old Alcalde blast furnace in the same enclosure is turning out a regular supply of charcoal pig iron of good quality. The committee witnessed a run of thirteen or fourteen tons of pig iron, and were unanimously of the opinion that with a cheaper coal and better means of transportation for the products of these works, the iron industry at Rusk would be solved.

Inside the main walls is an enclosure of ten acres in which is situated the prison proper, with work-shops, hospital, cooking and eating depart-

ments, foundry, chapel, with two large, commodious, well ventilated stone buildings in which are situated the cells of the entire population of this prison. For your committee to enter into a minute detail of all these separate departments would make this report too voluminous. An air of health and cleanliness pervaded all the different apartments. The work-shops are turning out some fine machinery, with various variety of castings.

A small broom factory is making a very superior quality of brooms and should be very much enlarged if a cheap supply of material could be procured. The dispensary, hospital, chapel and library appear in good condition and of sufficient capacity to meet the requirements, except the library, which we think should be enlarged, as the chaplain informed us, its use by the convicts he considered a very great benefit, as the books were extensively read and in the reading the mind of the prisoner was called from the surroundings of prison life, and thus made more contented and easier to control. The health of this prison, from the reports, has been unusually good. There were sick in the hospital on the day we inspected six, but none serious, except perhaps one or two consumptives.

The water supply at Rusk is very good, the pressure and supply being furnished from a large stand pipe on a high hill just outside the wall, where it is pumped from a spring. The entire prison, with all its departments, is traversed with a net-work of pipes, with fire-plugs and hose at all necessary points, thereby making a destructive fire impossible.

There is a farm and orchard of over one hundred acres adjoining the prison, twenty-five acres of orchard on this land, and large quantities of fruit, potatoes and vegetables are produced for the use of the prisoners. Captain Douglass has planted a great many shade and fruit trees, which will soon add great beauty to this property.

The treatment of prisoners was one of the main features of the investigation, and your committee, at this place and all others visited, gave the convicts a chance to make any and all the complaints they saw proper and should not suffer any punishment in consequence.

After talking with a great number, both apart and in groups, we feel warranted in saying that, while the authority of the superintendent, Cap-



tain Douglass, has been firm, it has been tempered with justness and mildness, and that there are no just grounds for complaint from any source. The universal verdict was that all had plenty to eat and generally well prepared. The one complaint given notice to was a desire to have the State to furnish a reasonable supply of candles, to enable the convicts to read at night, which your committee believe to be a reasonable request, and ask a favorable consideration of the same by the penitentiary board. Your committee thought they detected the necessity of one competent machinist to superintend the workings of all the industries in this prison, thereby securing the best results for the State.

Your committee left Rusk on the morning of January 31 for the coaling camp, about twenty miles distant, where 186 convicts are at work burning coal for the purpose of supplying the furnace at Rusk. This is a part of the Rusk force, and are in a healthy, good condition generally.

The prison and arrangements for cooking are ample, under the charge of Captain Strain. These men are well treated and not overworked, the task being 11-14 cords of wood per day to the man. There had been but one escape in eighteen months and very little sickness. While the Rusk penitentiary from the beginning has been an expense to the State, and may be for years, still we must report that in our judgment the management of the industry has been good, and the lack of profit from the industries of this prison is from no lack of diligence or zeal on the part of the management, but high coal and limited transportation facilities.

Your committee left the coaling camp for Huntsville, via Jacksonville and Palestine, arriving in Huntsville on the morning of February 1. About 9 o'clock we entered the prison wall in company with Superintendent Whately and Assistant Smithers. The first impression made on your committee was the limited amount of space within the walls. The numerous industries are all crowded in a very small space, preventing a free circulation of air, and rendering the danger from fire much greater. Some of the buildings are old, and if the walls could be extended and these old buildings be replaced with new ones we believe that it would very much improve this property. The prison buildings in which the cells are situated are substantial, commodious, well lighted, and well ventilated. The

cells are clean and many of them have the air of neatness and refinement.

On the east of the enclosure is the fine, new three-story brick building recently erected with the \$15,000 appropriation of the Twenty-second Legislature; half of the ground floor is used as a school room, the other half is supplied with a double row of substantial cells used for the insane, of which there are six or eight. On the second floor is situated a hospital, kitchen and dispensary, with much room for the sick. There were about forty sick in the hospital, some in the last stages of consumption and other chronic diseases. There has been a great and necessary addition to this prison, as all severe cases of sickness from outside forces are sent here for treatment. On the west front of the enclosure is an old two-story building. The basement is used as kitchen, baking and store room. It is commodious, but damp and poorly ventilated. The second floor is used for dining room and is in good condition and commodious. Attached to this on the west is the engine and two dynamos, which is a new plant and furnishes light for the entire penitentiary. The chapel and library is situated on the upper floor and contains 3447 volumes and is in good condition. The chaplain, Dr. Kennedy, informed us that, as at Rusk, the prisoners enjoyed the books very much and advised a liberal appropriation for enlarging and keeping in repair said library, and we would suggest the purchase of a small binder at, say \$25, by which the librarian could preserve the books by keeping them well bound.

The different industries are too numerous to go into detail. The State is manufacturing here, engines and boilers of superior workmanship, and in addition, a large repair business, and Mr. Robinson is to be praised for his successful management. The wagons made here are of a superior quality and of suitable size for the trade. This industry we think should be extended as fast as the trade requires. The tailor shop, where almost all the clothes for the convicts are made, appears in good shape and running smoothly, as is also the shoe shop, which is turning out good substantial shoes and meeting the State demands. The factory furnishes all the cloth for the use of the entire prison population, and these goods are of substantial and durable character. The furniture department, under the supervision of Mr. Wilson, has grown to large proportions and is one

of the best paying industries within the walls. The goods are of a durable character, of latest design, and many of the bed-room sets are of handsome oak and walnut of good workmanship. Captain Finley informed your committee that the demand for this furniture had increased to the full capacity of the shops; therefore we believe the management should foster and increase this industry so that the demands at all times could be met.

All the industries appeared to us to be working smoothly and turning out large quantities of goods in their respective lines. The water supply is good, being forced from two artesian wells within the walls into an immense stand-pipe and thence conducted to every part of the prison.

The prisoners were interviewed by us and given every opportunity to converse freely, and we are pleased to state, with very rare exceptions, they claim to be well fed and humanely treated. Indeed, it would not be natural, and could not be expected, that out of these thousands of unfortunate people, to find some who would not grumble and complain and chafe under the mildest treatment that the rules of convict regulations would permit. After giving all that desired an opportunity to make their complaints, we found that in all cases where abuses by guards or sergeants had occurred, the offender had been promptly discharged, so we feel that we can report that the care and treatment of the prisoners at Huntsville is firm, just and humane, and that this prison in all its departments is in good condition. The books of Financial Agent Finley are kept with care, precision and neatness. Every department of the various industries can be easily examined, showing at a glance all the receipts and disbursements in each branch. Your committee heartily commends the efficient service to the State of Mr. Finley and his clerks, and we believe that the present healthy condition of the finances of the State Penitentiary is largely due to his efficient labor in this department.

The Wynn farm, consisting of 1800 acres, is situated about three miles northwest of the prison, and on it is produced a large amount of supplies used by the prisoners. There are about 1150 acres of it in cultivation; forty acres of this is in an orchard, ten acres in a vineyard and fifty acres in a garden, and the remainder in corn and cotton. The cotton is all consumed in the manufacture of cloth-

ing for the prisoners. There are fifty-nine convicts on this farm, all second and third-class hands, such as contractors would not have. This force, from their own statement, were well fed and humanely treated. The buildings are old and should be replaced with new ones of a more permanent character. A large number of hogs are raised and fed here for consumption in the walls. The pasture serves a great convenience for the necessary teams and stock for the farm and prisoners.

The Johnson share farm is eight miles from Huntsville, on which are ten old men and forty-eight women convicts, who cultivate 700 acres of land. The products derived from this farm are chiefly consumed by the penitentiary. From all the facts we could gather, it is running smoothly and force healthy. This force would be worthless to the State inside the walls, and we think all the female convicts should be kept as much apart from the males as possible, and we commend the policy here adopted.

Your committee left Huntsville at 12 o'clock p. m. for the Harlem farm in Fort Bend county, arriving at Harlem depot about 9 a. m., February 2. We were immediately taken to the farm on the State tram railway propelled by mule power. This farm is owned by the State and contains about 3000 acres of first-class cotton and sugar land, with Oyster creek passing through the center of it. There are 2050 acres in the state of cultivation, 800 in cane, 800 in cotton, 400 in corn and 50 in garden, etc. We found the farm entirely prepared for planting and thoroughly ditched and drained; the teams consisting of ninety-one mules are in good condition, also the large number of hogs and a few cattle.

We would recommend that the State erect more substantial prisons on this place, as brick can be burned on the farm and the cost for this improvement would be nominal. There is now being bored an artesian well near the sugar house, which is a very necessary improvement. The sugar house is a large substantial brick building, erected for the manufacture of sugar; it is fully equipped with all the latest improvements and in good condition, except one large vacuum pump, which will have to be replaced by a new one.

Your committee found the entire crop of sugar and molasses for 1892 stored in the warehouse ready for sale when the price will justify it, the full amount being 900,000 pounds of sugar

and 1000 barrels of molasses. The gin house is a large substantial building propelled by steam, with full capacity to handle the crop of the place. The prison is of sufficient size and in good condition, and the convicts claim to have plenty of food, but not always as well prepared as might be. The cooking facilities are ample and the dining room sufficient in size, but the conveniences for eating might be improved at small expense. The health of this camp is good. While we found six in the hospital, there was nothing serious among the regular force of the farm, which is all second class labor, such as is refused by contractors. The hospital at this farm is a point to which many of the convicts are sent temporarily from the large forces on the neighboring plantations. This farm is valuable property and is a source of revenue to the State, and we take pleasure in complimenting Captain Ransom on the good condition in which your committee found his charge. We found 198 convicts on this place, a portion of which were not the regular force of the farm. In the evening of the same day your committee inspected the two camps on the Ellis farm. At camp No. 1 there are 108 men, and at camp No. 2, 58. We were much pleased with the condition of the prisoners on this large plantation, and could not elicit any complaint of any character, and found the prison in good condition, with only one sick in the hospital.

Your committee arrived at Colonel Cunningham's late in the evening and after consultation we thought best for a portion of the committee to go to Robertson county and inspect the farm there, and in accordance with this agreement Senator Steele and R. B. Hood, with the clerk, J. P. Pool, boarded the first train for Hearne, Texas. Hon. J. H. Long, of the House, being unwell, returned to Austin. Senator Tips and chairman of the committee remained at the Cunningham place for the night. On the morning of the 3d your committee, in company with Colonel Whatley, Mr. Dixon, the inspector and Major Braham, went by private conveyance to Camp No. 1, on the lower part of the plantation. At this camp they found ninety-nine men and the health has been good for the last year; previous to that time there was some sickness. The prison was large, but we thought for cold weather it was rather open. There were three or four in the hospital, but one seriously sick. Dr. Hoher was there at the time administering to his

wants, and appeared to us to be attentive to the needs of the sick. The cooking department of this camp is very indifferent and should be remedied at once. We talked with a large number of the convicts, and heard no serious complaints of ill treatment by the sergeants or the guard, all claiming that it was much better than a few months past. Camp No. 2, about one and a half miles below the refinery, was immediately on the bank of Oyster creek and had 170 men.

We regret that we must say to your honorable body that the health of this camp is not good. We believe that the sickness is caused from a long, stagnant lake of water very near the prison. It has been very nearly two years since there has been rain enough to run the creek and take away the refuse from the sugar refinery, all of which is emptied into this pool of water, producing a very offensive odor, sufficient, we think, to produce sickness, and in warm weather an epidemic. We believe this serious condition will be immediately corrected by the gentlemen who own this splendid estate; if it is not, we would advise the penitentiary management to take such steps as the gravity of the situation demands. There was some complaint of bad cooking and an insufficient supply at times. We were assured that the desire of the men employing this force was that they should have a supply of good, wholesome food, and that this complaint should no longer exist. The cooking arrangements should be better, and the chief cook should have more help. After talking to many of the convicts, we could find no illegal punishments inflicted recently, though we regret to say there had been gross violations of the rules. But the inspector, Mr. Dixon, soon ferreted out these violations and the offenders were immediately discharged by the superintendent, Colonel Whatley.

The prison is not large enough for the number of men there at this time, though a portion of them are there only temporarily. There is to be, we were informed, a new prison erected immediately. Your committee, in company with Mr. Dixon, visited the T. W. House farm on February 4, which is about twenty-five miles from Houston, on the Brazos river. We found this force in good condition, and no serious sickness or complaint, except with regard to the negligence of the State Physician. The forces consist of sixty-nine first-class convicts.



The prison and cooking departments are in good condition. On the same evening we went by hack to Willis farm, where there are seventy-six convicts. We could find no one who had any complaints, and all told the committee that they had plenty to eat and were humanely treated. The prison, dining room and kitchen were in good order, and only one man in the hospital, and he from a sore foot. There was another farm some twelve miles away, known as the Retrieve place, which it was impossible for us to reach. From all the information we could gather we feel warranted in reporting this force of sixty-five men well treated and healthy.

We inspected one railroad force on the Southern Pacific Railroad, near Sugarland, which, from all appearances, was in splendid condition, and consisted of eighty-six white men and Mexicans, all healthy and well treated.

Your committee found to inspect all the convict forces employed by railroads would consume too much time, as some are situated in Western Texas and others in Eastern Texas. These forces, from what we could learn, were doing well, and their condition had been greatly improved within the last year.

AUSTIN, TEXAS, Feb. 8, 1893.

Hon. George T. McGehee, Chairman of the Penitentiary Joint Committee:

SIR: We, your sub-committee, who were to visit the convict forces in Robertson county and inquire into the condition and management of said forces, beg leave to report as follows:

We arrived at Hearne on the morning of the 3d, and in company with Mr. Green, inspector, we took the H. & B. V. R. R. for Col. Watt's farm, where we arrived at 9 o'clock, and were met by Mr. Woods, sergeant in charge.

We found this camp in good condition and, there were no complaints of any character made by any of the convicts. The sleeping and cooking departments presented a neat and orderly appearance, and the food was ample and in every respect sufficient. There was no sickness at this camp and have been no deaths in the last two years, and but three escapes. The number belonging to this camp is fifty-one first-class hands, but at present twenty belonging to the camp were at Colonel Cunningham's place in Fort Bend county. We gave the convicts every opportunity to make complaints but elicited none, and freely state that the management of this farm is very

good. Adjacent to this camp, about two hundred yards, is situated Colonel White's camp, which is in charge of Mr. McNutt, who has a long experience as sergeant. As at other camps this one presented a clean and neat appearance, the prison house being amply large for the fifty-five men that belong to said camp. There has been one death in the last two years and no escapes, and at this time no sickness, which shows the sanitary condition of said camp to be good. The men are all in fine physical condition and no complaint of ill treatment or of scarcity of food could be heard, and the management was properly carried on in every respect.

We next proceeded to Colonel Wilson's farm, about three miles further down the river, which is in charge of Mr. Ward as sergeant. This camp consists of fifty men and has a splendid record—one sick by accident, one escape and no deaths in the last two years. The cooking and sleeping departments of this camp were amply large and commodious and presented a clean and orderly appearance. Your committee, as at other camps, gave the convicts opportunity make known any complaints that they might have, but failed to hear any, and Mr. Ward is to be complimented on his successful management. Your committee returned to Hearne at night, and in the morning Colonel Lewis accompanied us to his farm, situated six miles below Hearne in the Brazos bottom. At this camp we found Captain Herring in charge with a force of seventy-five men and, as the other camps, presented a healthy and clean appearance.

After inspection of the cooking and sleeping departments, we found that they were sufficient and met all requirements, the food was wholesome and well prepared, and after many direct questions by the committee to the convicts, we could elicit no complaints. This camp has had no deaths and no escapes in the last two years, and at this time no one sick in the hospital, but, on the contrary, all the men looked fresh and healthy. Your committee feel constrained to compliment Mr. Green, the inspector, and the sergeants in charge for their efficient management and earnest effort to make their work a success.

We respectfully submit the above report, and ask that it be adopted by you and embodied in the general report.

[Signed]

STEELE,  
HOOD.

Your committee have had prepared by the financial agent, Captain Finley, the following exhibits, which they respectfully submit as part of this report. Exhibit "C" shows at a glance the increase in the value of the penitentiary property from resumption, May, 1883, to November, 1892. Exhibits "D," "E," "F," and "G" show the profits to the State on outside labor for the past two years.

## EXHIBIT "C."

Appropriations made by the Legislature for permanent improvements, May, 1883, to Nov., 1892..	\$33,000 00
Appropriation made by Legislature for material, machinery, deficiencies, timber lands, library, etc., May, 1893, to Nov., 1892..	709,799 21
Less amounts lapsed and re-deposited in Treasury....	190,631 90
Leaving net amount of appropriations used.....	519,167 31
Appropriated by the Legislature for traveling expenses of Superintendent, May, 1883, to Nov., 1892. No record in Financial Agent's office of amount drawn .....	2,000 00
Value of realty and machinery at time of resumption, May, 1883, no other record. The only record we have is superintendent's report of 1890..	746,149 32
Value of realty and machinery, Nov. 1, 1892....	1,269,858 51
Value of available assets and cash Nov. 1, 1892....	923,183 17
Value of property, real and movable, created by convicts, from May, 1883, to Nov., 1892, above appropriations.....	927,725 05

## EXHIBIT "D."

Net receipt per capita per month from farm contract forces for the two years ending October 1, 1892.....	\$8 47
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## EXHIBIT "E."

Net receipts per capita per month from railroad contract forces for the two years ending October 31, 1892....	\$8 73
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## EXHIBIT "F."

Net receipts per month per capita from the Harlem farm owned and operated by	
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12—Senate

the State, years 1891 and 1892.....	\$15 65
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## EXHIBIT "G."

Net receipt per capita per month from the Rogers farm worked on shares by the State, for years 1891 and 1892.....	\$5 80
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The large and constantly increasing number of convicts, there being in the prisons on the 7th instant 3660, and the inadequacy of our prisons to confine and employ them all at labor within the walls, presents a problem for our consideration of the utmost importance, and after a careful survey of the situation, and a fair and just comparison of the different modes of employing the great excess of convicts that can not be made self-supporting within the walls, the comparison not only extending to the mode of treatment, but also the comparative profits to the State, your committee beg leave to report that in their judgment the plan advocated and recommended so long by the penitentiary management (to work the convicts on farms owned and operated the State) is the best solution that presents itself to your committee.

In connection with the accompanying financial showing we would suggest that with a permanent policy in regard to penitentiary management, and reasonable facilities extended in the way of working capital, we confidently look forward to the time in the near future when the State can and should set aside annually a fair share of the net profits of the penitentiary system for the benefit of the convicts, to be either paid their dependent families or to them on expiration of sentence, under such restrictions and regulations as may be considered proper.

Your committee feel that they would fall short of a full discharge of their duty should they fail to extend to Colonel Whatley, the superintendent, Captains Douglass and Smithers, assistants, Captain Finley, financial agent, and Messrs. Dixon and Green, inspectors, for the uniform and constant courtesy shown the committee and the constant aid given to make their investigation complete, all expressing a desire to have the investigation not one in name but one in fact, thorough and complete. And your committee congratulates the State upon having in charge of this, the greatest of all her institutions, men who have shown themselves so worthy of the trust imposed.



All of which is most respectfully submitted.

GEO. T. MCGEEHEE, Chairman,  
WALTER TIPS,  
R. E. STEELE,

Senate Committee.

J. H. LONG,  
R. R. HOOD,

House Committee.

Pending the reading of the above report,

On motion of Senator Steele, its further reading was suspended and the same was ordered published in the journal.

#### HOUSE MESSAGE.

#### HOUSE OF REPRESENTATIVES.

AUSTIN, TEXAS, Feb. 11, 1893.

Hon. M. M. Crane, President of the Senate:

SIR: I am directed by the House to inform the Senate of the passage by the House of the following bill, to-wit:

Senate bill No. 103, "An act to prescribe the time of holding district courts in the Thirteenth judicial district," with an amendment.

Passed by a two-thirds vote—ayes, 98; noes, none.

Respectfully,

GEO. W. FINGER,  
Chief Clerk House of Representatives.

#### BILLS AND RESOLUTIONS.

By Senator Crowley, by request:

"An act to create the county of Alamo."

Read first time and referred to Committee on Counties and County Boundaries.

By Senator Smith:

A bill to be entitled "An act to create a State normal school at the city of Denton, Texas, to be known as the Denton Normal Institute, and to make an appropriation therefor."

Read first time and referred to Committee on Education.

By Senator Simpson:

"An act entitled an act to amend articles 423, 424, 425, 426, 427, 428, 429 of the Penal Code of the State of Texas, and the several acts of the Legislature of the State of Texas amendatory thereof."

Read first time and referred to Judiciary Committee No. 2.

By Senator Greer:

A bill to be entitled "An act to amend section 38 of an act entitled an act to organize the courts of civil appeals; to define their jurisdiction and powers, and prescribe the procedure therein, approved April 13, 1892."

Read first time and referred to Judiciary Committee No. 2.

By Senator Greer:

A bill to be entitled "An act to prescribe the time within which applications to the supreme court for writs of error must be made."

Read first time and referred to Judiciary Committee No. 2.

By Senator Steele:

A bill to be entitled "An act to amend article 680a of the Penal Code of the State of Texas, approved April 22, A. D. 1879, prohibiting the use of any dumb animal, the property of another, without the consent of the owner, and prescribing a penalty therefor."

Read first time and referred to Judiciary Committee No. 2.

Morning call concluded.

The Chair laid before the Senate, Senate concurrent resolution No. 9, relating to Camp Mabry, on third reading.

Read third time and passed.

The Chair placed before the Senate, Senate concurrent resolution No. 3, relating to the establishment of a Harbor of Refuge on the coast of Florida, on second reading.

Read second time and ordered engrossed.

The Chair placed before the Senate, Senate concurrent resolution No. 4, relating to immigration.

Senator Swayne moved to postpone further consideration until the concurrent resolution relating to the consideration of Federal matters, passed by the Senate and pending in the House, be heard from.

Senator Atlee moved to substitute the motion of Senator Swayne as follows:

Lay the resolution on the table subject to call.

Senator Swayne accepted the amendment, and the same was adopted.

#### BILLS ON SECOND READING.

The Chair laid before the Senate, Senate bill No. 34, entitled "An act to amend articles 488 and 489 of the Code of Criminal Procedure and to add to said Code articles 489a, 489b, 489c, 489d and 489e, providing for the attachment of witnesses in criminal cases and for the payment of expenses of witnesses in felony cases," which had been reported favorably with committee substitute.

Bill and substitute read.

On motion of Senator Imboden, the committee substitute was adopted.

On motion of Senator Lewis, the bill was considered by sections.

After the sections to the number of six had been considered and adopted,

On motion of Senator Cranford, the further consideration was postponed and the bill was made special order for Monday, February 13, after call, and to continue from day to day until disposed of.

The Chair laid before the Senate,

Senate bill No. 40, entitled "An act to provide for inquests on fires and prescribe the powers and duties of justices of the peace in relation thereto; to define the duties of the Commissioner of Agriculture, Insurance, Statistics and History in relation thereto; to repeal all existing laws on the subject of fire inquests, and to make an appropriation to carry out the purposes of this act," which had been reported favorably, with committee substitute.

Bill and substitute read, and on motion of Senator Swayne was made special order for Friday, February 17, and from day to day until finally disposed of.

The Chair placed before the Senate,

Senate bill No. 73, entitled "An act to amend article 853, title 10 of the Code of Criminal Procedure of the State of Texas," on second reading.

Bill read second time and lost on engrossment.

On motion of Senator Cranford, Secretary Kennedy was excused from attendance on Monday on account of important business.

On motion of Senator Swayne, Senator Baldwin was excused until Friday next.

On motion of Senator Imboden, Senator Lewis was excused from attendance on next Monday on account of important business.

Senator Imboden called up his motion to reconsider the vote by which Senate bill No. 132 (World's Fair Bill) was indefinitely postponed, and moved to lay that motion on the table.

Carried.

On motion of Senator Greer, regular business was suspended, and Senate bill No. 107, entitled "An act to restore to the county court of Tyler county civil and criminal jurisdiction," was taken up.

Bill read second time.

Committee amendments adopted, and the bill ordered engrossed.

On motion of Senator Greer, the constitutional rules requiring bills to be read on three several days were suspended and the bill put upon its third reading and final passage by the following vote:

YEAS—19.

Agnew,  
Atlee,

Imboden,  
Jester,

Baldwin,  
Boren,  
Bowser,  
Browning,  
Cranford,  
Dickson,  
Greer,  
Hutchison,

Lewis,  
McComb,  
McKinney,  
Pressler,  
Simpson,  
Steele,  
Swayne,  
Woods.

NAYS—2.

Smith,

Tips.

ABSENT—2.

Crowley,

Dean.

EXCUSED—7.

Douglass,  
Goss,  
Kearby,  
Lawhon,

Shelburne,  
Whitaker,  
Yoakum.

Senator Crowley was paired with Senator Whitaker. The former would have voted yea; the latter nay.

Bill read third time and passed by the following vote:

YEAS—22.

Agnew,  
Atlee,  
Baldwin,  
Boren,  
Bowser,  
Browning,  
Cranford,  
Dickson,  
Greer,  
Hutchison,  
Imboden,

Jester,  
Lewis,  
McComb,  
McKinney,  
Pressler,  
Simpson,  
Smith,  
Steele,  
Swayne,  
Tips,  
Woods.

NAYS—none.

ABSENT—2.

Crowley,

Dean.

EXCUSED—7.

Douglass,  
Goss,  
Kearby,  
Lawhon,

Shelburne,  
Whitaker,  
Yoakum.

Senators Crowley and Whitaker were paired as above.

On motion of Senator Swayne, regular business was suspended and

Senate bill No. 145, entitled "An act to amend article 566, chapter 2, title 20 of the Revised Civil Statutes of the State of Texas, as amended by the Twenty-second Legislature, chapter 101, page 161," was taken up.

Bill read second time.

By Senator Swayne:

Amend by adding subdivision 40, as follows: "Subdivision 40. Any person or association of persons for the purpose of making, compiling and owning an abstract of titles to lands and liens of all character on any property, or any other abstract of records of this State, or any county thereof, required by law to be recorded."

Adopted.

By Senator Imboden:

Amend section 24 by striking out \$500 wherever it occurs and inserting in lieu thereof \$5000.

Adopted.

(Senator Atlee in the chair.)

By Senator Browning:

Amend subdivision 25 by adding after the word "wholesale," in line 71 of subdivision 25, the words "or retail."

Pending action, on motion of Senator Bowser, Senate joint resolution, to amend article 8 of the Constitution of the State of Texas, by adding to said article an additional section, to be numbered section 19, was made special order for Friday, February 17, and on motion of Senator Imboden, to be continued from day to day until disposed of.

Senator McComb asked that the journal show that he did not vote on the motion to table the motion to reconsider the vote indefinitely postponing Senate bill No. 132, for the reason that he was paired with Senator Douglass, who would have voted aye, and himself nay.

Senator Swayne stated that he was paired with Senator Kearby on the same vote, he (Swayne) voting nay, and Senator Kearby aye.

On motion of Senator Smith, the Senate adjourned to 10 o'clock a. m. Monday by the following vote.

YEAS—15.

Agnew,	Hutchison,
Atlee,	Jester,
Boren,	McKinney,
Browning,	Pressler,
Cranford,	Smith,
Crowley,	Steele,
Dickson,	Swayne.
Greer,	

NAYS—7.

Baldwin,	McComb,
Bowser,	Tips,
Dean,	Woods.
Imboden,	

ABSENT—2.

Lewis,	Simpson.
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EXCUSED—7.

Douglass,	Shelburne,
Goss,	Whitaker,
Kearby,	Yoakum.
Lawhon,	

### THIRTIETH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, Feb. 13, 1893.

Senate met pursuant to adjournment.

Lieutenant Governor Crane in the chair.

Secretary Kennedy called the roll. Quorum present, the following Senators answering to their names:

PRESENT—22.

Agnew,	Kearby,
Atlee,	McComb,
Boren,	McKinney,
Browning,	Pressler,
Cranford,	Simpson,
Crowley,	Steele,
Dean,	Swayne,
Dickson,	Shelburne,
Greer,	Tips,
Hutchison,	Woods,
Imboden,	Yoakum.
Jester,	

ABSENT—2.

Douglass,	Smith,
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EXCUSED—7.

Baldwin,	Lewis,
Bowser,	Lawhon.
Goss,	Whitaker.

Prayer by the chaplain, Dr. Briggs. Pending the reading of the journal of yesterday,

On motion of Senator Jester, the reading of the same was suspended.

On motion of Senator Imboden, Senator Bowser was excused for non-attendance on to-day.

### COMMITTEE REPORTS.

COMMITTEE ROOM,  
AUSTIN, TEXAS, Feb. 13, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Public Printing, to whom was referred

Resolution authorizing the purchase of "The Texas Legislative Manuals for 1893," for the use of the Senate,

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass with the following amendment:

That the word "Party" be inserted instead of "Parties" which occurs after "Democratic."

BOREN, Chairman.

On motion of Senator Imboden, the above report was adopted.

COMMITTEE ROOM,  
AUSTIN, TEXAS, Feb. 13, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 107, being "An act to restore to the county court of Tyler county civil and criminal jurisdiction,"

And find the same correctly engrossed. PRESSLER, Chairman.